

CHARGE: 245(c) PC, Assault with a Deadly Weapon, Not Firearm at a Police Officer with Great Bodily Injury Likely

VICTIM: Nicholas SPRECCO, ID#0252

SUSPECT: Moses Jovid MUHAMMAD DOB 05-26-1954

DATE/TIME: 07-02-2010 @ 1038 hours

LOCATION: 495 North Second Street
El Cajon

REFERENCE: Statement of Case

FACTS:

On 7-2-2010, at approximately 1045 hours, I was notified by Lt. SHAKOWSKI that there had been an Officer Involved Shooting in the City of El Cajon.

I attended a briefing conducted by LT. ARVAN at the El Cajon Police Department Investigations Division. Present during the briefing was District Attorney Investigator Liza Prodigalidad. The following is a statement of case with the information learned from reviewing the evidence, and interviewing witnesses.

On 7-2-2010, at 1038 hours, El Cajon Police Department Communications Center received a 911 call reference a disturbance between two males. A second reporting party called the El Cajon Police Department and stated that one subject was threatening another subject with a knife at 1345 East Madison. The suspect was described as a black male adult, approximately 5'8", 200 pounds, wearing a black shirt and pants. The reporting party stated the suspect was walking westbound on Madison towards Second Street. The caller stated the suspect had a large black knife and was now at the corner of Second and Madison. The reporting party stated they were inside the Jack in the Box at 495 North Second Street.

El Cajon Police Motor Officer N. SPRECCO ID#252 responded to the radio call. While driving his police motorcycle, Officer SPRECCO saw a subject closely matching the description of the subject that was reported having the knife. This subject later identified as Moses MUHAMMAD (5-26-54) was standing on East Madison Avenue next to the Jack in the Box entrance/exit. Officer SPRECCO parked his motorcycle approximately forty-three and one half feet (43 ½) from MUHAMMAD in the Jack in the Box parking lot at 495 North Second Street.

MUHAMMAD immediately pulled a knife from the right side of his waist and starting walking towards Officer SPRECCO. Officer SPRECCO got off of his motorcycle and backed up approximately 107 feet while MUHAMMAD was advancing on him. While backing up, Officer SPRECCO gave several verbal commands to MUHAMMAD to drop the knife. Officer

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SPRECCO activated his police radio and stated that a subject had just pulled a knife on him and he was requesting emergency Code 3 cover. Officer SPRECCO could be heard over his police radio telling MUHAMMAD to drop the knife.

At approximately 16 feet away from Officer SPRECCO, MUHAMMAD changed his pace from a walk to a jog. Officer SPRECCO fired five rounds at MUHAMMAD striking him four times. MUHAMMAD was struck in the chest, left torso, left bicep, and left thigh. Eighteen seconds after Officer SPRECCO first advised over his police radio that MUHAMMAD had pulled a knife on him, he advised over his radio that he had fired his weapon, and the suspect was down. After MUHAMMAD was shot, Officer SPRECCO could be heard over his police radio giving verbal commands to drop the knife.

After being shot, MUHAMMAD slowly went to a seated position still holding the knife in his right hand. Officer ROBERTS arrived on the scene to assist Officer SPRECCO. Both Officers continued to give verbal commands to MUHAMMAD to drop the knife. MUHAMMAD slowly lay onto his back with the knife still in his right hand. Officer ROBERTS approached MUHAMMAD attempting to kick the knife out of his hand. On the third kick, Officer ROBERTS was able to get the 10 inch knife a safe distance away from MUHAMMAD. MUHAMMAD was quickly checked for additional weapons then first aid was administered.

Officer BARBER arrived on the scene and video from his in car camera recorded Officer ROBERTS kicking the knife away from MUHAMMAD and the first aid being given. El Cajon Fire Department Engine 8 and El Cajon Fire Department Medic 9 responded to the scene. El Cajon Fire Department Medic 9 transported MUHAMMAD to Sharp Memorial Hospital.

At 1320 hours, I responded to The El Cajon Police Department's Eastern Division and contacted Officer SPRECCO. At 1332 hours, El Cajon Police Department Evidence Technician Palos photographed Officer SPRECCO in the clothing and equipment he was wearing at the time of the shooting. Officer SPRECCO's police equipment was documented and collected.

At 1345 hours, I drove Officer SPRECCO to 1285 East Madison. This is the location Officer SPRECCO was on traffic at when the first radio call about MUHAMMAD was broadcasted. I conducted a scene walk through starting at this location and walking across the street to 495 North Second where the shooting had occurred. The scene walk through was digitally recorded and a copy was put on a CD and later entered into evidence at the El Cajon Police Department.

After the scene walk-through was completed I drove Officer SPRECCO to the El Cajon Police Department Eastern Division where I interviewed him. This interview was digitally recorded and a copy was later placed on a CD and entered into evidence at the El Cajon Police Department. The following is a synopsis of that interview.

Officer SPRECCO stated he was on a traffic stop at 1285 East Madison when he heard a radio call of a disturbance between two males in the 1300 block of East Madison. A second radio transmission stated that the incident now appeared to be a subject exhibiting a knife.

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Officer SPRECCO responded to the radio call on his El Cajon Police Department motorcycle. A description of the suspect with the knife was broadcasted over the police radio. Officer SPRECCO said he saw a subject that closely resembled the suspect walking on the south curb line of East Madison. Officer SPRECCO turned his motorcycle around to make contact with this subject, who was later identified as MUHAMMAD.

Officer SPRECCO stated that he pulled into the parking lot of Jack in the Box at 495 North Second Street. Two white males later identified as [REDACTED] and [REDACTED] were able to get Officer SPRECCO's attention. [REDACTED] and [REDACTED] pointed to MUHAMMAD. Officer SPRECCO said he believed the [REDACTED] and [REDACTED] were trying to show him who he should be looking for. Officer SPRECCO turned his attention to MUHAMMAD and noticed that MUHAMMAD was looking directly at him. MUHAMMAD started walking towards Officer SPRECCO when he pulled a knife from the right side of his waist area. Officer SPRECCO got off of his motorcycle and immediately drew his handgun, pointing it at MUHAMMAD. Officer SPRECCO broadcasted on his police radio that MUHAMMAD had pulled a knife on him and he was requesting emergency Code 3 cover.

Officer SPRECCO stated that he continuously kept telling MUHAMMAD to drop the knife. Officer SPRECCO said that MUHAMMAD continued walking towards him mumbling phrases like "do it", "get it done", or "let's go with this". Officer SPRECCO said that MUHAMMAD called him a "mother fucker" and started rambling phrases that were not recognizable. Officer SPRECCO said he believed he had 20 to 25 feet between MUHAMMAD and himself. Officer SPRECCO said that MUHAMMAD would periodically swing his right arm outward while he was walking towards him. MUHAMMAD began to jog towards Officer SPRECCO. Once MUHAMMAD started jogging towards him Officer SPRECCO stated he believed that MUHAMMAD no longer was forcing him backwards; he was now coming at him. Officer SPRECCO believed he shot four rounds at MUHAMMAD.

After being shot, MUHAMMAD took a half step back and fell to a seated position on his butt. Officer SPRECCO said MUHAMMAD continued to hold the knife in his right hand while in the seated position. Officer SPRECCO said that Officer ROBERTS arrived and they both continued to give verbal commands to MUHAMMAD to drop the knife. MUHAMMAD slowly lay down on his back and appeared to lose consciousness. Officer SPRECCO saw Officer ROBERTS kick the knife out of MUHAMMAD'S hand. Officer SPRECCO said he immediately grabbed MUHAMMAD'S left wrist and began searching him for additional weapons. Officer SPRECCO said several responding officers arrived and immediately started to administer first aid to MUHAMMAD. Officer SPRECCO said once there was enough emergency personnel at the scene, Sgt. MOULTON drove him to the El Cajon Police Department's Eastern Division. For further information see Officer SPRECCO's statement supplemental report.

An interview was completed with witness [REDACTED]. The following is a synopsis of the interview.

[REDACTED] stated that he was at the trailer park at 1345 East Madison when he saw MUHAMMAD walking by and he said hello to him. MUHAMMAD started cursing at him then he took a swing attempting to punch [REDACTED]. [REDACTED] said he was pushing his girlfriend

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██████████ in a wheelchair when MUHAMMAD told them to leave or he would kill them. ██████████ and ██████████ left towards Jack in the Box on North Second Street. ██████████ stated that MUHAMMAD was following them so he told ██████████ to call 911. ██████████ said they went inside Jack in the Box when they saw Officer SPRECCO arrive. ██████████ went outside, and when Officer SPRECCO looked at him he pointed to MUHAMMAD.

██████████ saw MUHAMMAD pull a knife and start walking towards Officer SPRECCO. Officer SPRECCO drew his firearm and started giving verbal commands to MUHAMMAD to drop the knife. ██████████ heard MUHAMMAD tell Officer SPRECCO "I'm going to kill you". ██████████ heard Officer SPRECCO tell MUHAMMAD at least four times to drop the knife. ██████████ saw MUHAMMAD charge towards Officer SPRECCO with the knife, and he stated that the officer had no choice but to fire his weapon. ██████████ said that MUHAMMAD was approximately 20 to 25 feet away when Officer SPRECCO was giving verbal commands. When MUHAMMAD began to charge towards Officer SPRECCO he was approximately 20 feet away. For further information see ██████████ statement supplemental report.

An interview was completed with witness ██████████. The following is a synopsis of the interview.

██████████ stated that she was at 1345 E Madison with her boyfriend ██████████. MUHAMMAD started walking towards them and told them "get the fuck out of here". MUHAMMAD took a swing at ██████████ and stated "get the fuck out of here or I will kill you". ██████████ and ██████████ walked to Jack in the BOX and noticed that MUHAMMAD was pursuing them. They went inside Jack in the Box and she called 911. ██████████ saw a police officer and began to flag him down. ██████████ said she saw MUHAMMAD with a knife and the police officer telling him repeatedly to drop the knife. A copy of ██████████ 911 call was entered into evidence at the El Cajon Police Department. For further information see ██████████ statement supplemental report.

An Interview was completed with witness ██████████. The following is a synopsis of the interview.

██████████ said he was crossing Madison Avenue near Second Street when MUHAMMAD walked up and asked him if he had a problem. ██████████ said he had never seen MUHAMMAD before. ██████████ saw Officer SPRECCO pull up on his motorcycle, and MUHAMMAD pulled out a knife. ██████████ saw Officer SPRECCO continually tell MUHAMMAD to drop the knife. ██████████ heard MUHAMMAD tell Officer SPRECCO that he was going to kill him. MUHAMMAD kept advancing towards Officer SPRECCO with the knife. Officer SPRECCO told MUHAMMAD to drop the knife while MUHAMMAD was advancing. MUHAMMAD would not drop the knife and Officer SPRECCO shot him. ██████████ stated that Officer SPRECCO gave MUHAMMAD plenty of chances, and he had no choice but to shoot him. For further information see ██████████ statement supplemental report.

An interview was completed with witness ██████████. The following is a synopsis of the 911 call he made and the interview.

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On 7-2-10, at 1040 hours, [REDACTED] placed a 911 call to the El Cajon Police Department. [REDACTED] stated that a guy had just pulled a knife on his him at 1345 E. Madison Avenue. [REDACTED] said the suspect was a black male adult wearing black African tribal clothing. [REDACTED] stated that the suspect also tried to assault another person in his trailer park. The suspect left walking down Madison towards Second Street. [REDACTED] said the suspect was chasing after someone and he had a large black combat knife in his hand with black gloves. While [REDACTED] was on the phone with the 911 operator he stated that he had just heard gunshots. The 911 call was placed on a CD and entered into evidence at the El Cajon Police Department. For further information see [REDACTED] statement supplemental report.

[REDACTED] A Telephonic Search Warrant #39420 was obtained for MUHAMMAD's residence. At 1808 hours Detectives from the El Cajon Police Department served the warrant. During the service of the warrant several letters and notebooks with writings from MUHAMMAD were located. One such letter to the Social Security Administration requested a new Social Security card. The letter ended with MUHAMMAD requesting two quadrillion dollars in compensation in gold. Several notebooks with similar type writings were found. All items were collected by Evidence Technician T. FRUCHTENICHT. For further information see Evidence Technician FRUCHTENICHT's supplemental report.

On 7-5-10, at 1320 hours, I contacted MUHAMMAD's former roommate [REDACTED]. The following is a synopsis of the interview with [REDACTED].

[REDACTED] stated that he use to live with MUHAMMAD approximately six to eight months ago. [REDACTED] said he last spoke with MUHAMMAD approximately six months ago. [REDACTED] said MUHAMMAD received Social Security because he had been diagnosed as manic depressant and schizophrenic. [REDACTED] said MUHAMMAD had been taking psychiatric medication. [REDACTED] said before he moved out six months ago MUHAMMAD told him he was having problems sleeping so he stopped taking his medication. MUHAMMAD told [REDACTED] that he had stopped taking his medication in the past and he was okay. MUHAMMAD told [REDACTED] he believed his pills were making him not sleep, and that he thought his doctor was experimenting with his doses. For further information see [REDACTED] statement supplemental report.

On 7-7-10, I contacted [REDACTED] the mother of MUHAMMAD. The following is a synopsis of the interview with [REDACTED].

[REDACTED] stated that she lives in Houston and she would speak to her son on the phone once a week. [REDACTED] said she had not seen her son since 1995. [REDACTED] told me that her son was hospitalized in a veterans hospital in New Orleans in the 1990's for mental illness related issues. [REDACTED] said she had not talked to her son in approximately one month. [REDACTED] said the last time she spoke with her son he told her he was not feeling very well. [REDACTED] said she had not been able to get in touch with her son and she was worried if he was alright. For further information see [REDACTED] statement supplemental report.

An interview was completed with witness [REDACTED]. The following is a synopsis of the interview with [REDACTED].

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██████████ was contacted on 7-9-10 at his trailer at ██████████. ██████████ stated that he had no knowledge of the incident that happened at Jack in the Box, other than what he had seen on the news or heard in the trailer park. ██████████ stated that he saw a neighbor that lives approximately three doors down from him just prior to what happened at Jack in the Box. His neighbor was a black male adult either African or Jamaican. ██████████ said that this neighbor walked by his trailer, raised a knife that was in his hand, and stated that he was tired of people messing with him. ██████████ said he believed the knife was a large hunting type. ██████████ said approximately five minutes later he heard the gunshots. For further information see ██████████ statement supplemental report.

On 7-8-10, at 0155 hours, I received a phone call from Sharp Memorial Hospital notifying me that MUHAMMAD had died from his injuries he sustained on 7-2-10. MUHAMMAD was pronounced deceased by a physician at Sharp Memorial Hospital at 0132 hours. The Medical Examiners Office was notified of MUHAMMAD's death. Investigator James RAMIREZ with the Medical Examiners Office was assigned to the case and told me they would be conducting an autopsy later that day. Investigator RAMIREZ gave me their case number 10-01378.

On 7-8-10, I contacted District Attorney Investigator Liza Prodigalidad and informed her of MUHAMMAD's death. DAI Prodigalidad told me she would advise DAI Bobby Dean of the death and they would be in contact with me.

Respectfully submitted,

D. FORESTER, ID#220
INVESTIGATIONS DIVISION

7/7/2010 8:16 AM
DF:js

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